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TESTIMONY OF TRENT L. CLARK, CHAIRMAN IDAHO FAMILIES INC. BEFORE THE IDAHO STATE SENATE, COMMITTEE ON STATE AFFAIRS

Mr. Chairman – Idaho Families Inc. (formerly United Families Idaho), appreciates the opportunity to expand on the comments we submitted earlier with regard to Senate Bill 1057. We find Senate Bill 1163 retains the critical elements of SB 1057, modifies enforcement to rely less on individual causes of action, and reduces burdens on parties with minimal control over device capabilities.

This is NOT a First Amendment issue. The right of a parent to restrict access to the Internet is indisputable.¹ SB 1163 sets a commercial standard that gives parents their constitutionally protected ability to monitor and choose what content is appropriate for children in their care.

This is a "Duty of Care" issue. When selling farm chemicals, you can't sell them in a leaky bucket with no lid. Selling extremely sharp straight razors requires packaging and conveying them within a protective sheath. When a customer is sold a pistol equipped with a safety, the salesperson cannot hand that firearm over to the customer without first engaging the safety. These are all rules of commerce businesses must follow out of a "duty of care."

The opponents of SB 1163 would tell you that selling internet-capable devices to under-age children invokes no "duty of care." They cling to this argument as though it is still 1964 (Jacobellis v. Ohio, 378 U.S. 184). But since 1964, study after study now prove pornographic materials handed to underage children present serious, documented and measurable harms, putting health and safety at risk.

To question this duty is to question the harm done. This is especially true since SB 1163 lays out a reasonable, efficient, and effective intervention that restores to parents the right to decide what content is appropriate for their child.

Put simply, a **porn-capable phone or tablet is a harmful device**, especially in the hands of an underage minor. There are at least four known areas of mental, emotional and psychological damage associated with underage access to pornographic material. These include:

A. **distorted beliefs about human sexuality.** Social scientists, clinical psychologists, and biologists have begun to clarify some of the social and psychological effects of pornography, and neurologists are beginning to delineate the biological mechanisms through which pornography produces its powerful effects on people.

Machment 3

¹ "Constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society. 'It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder." Ginsberg v. New York, 390 U.S. 629, 639 (1968) (citing Prince v. Massachusetts, 321 U.S. 158, 166 (1944)).

² See https://www.lawteacher.net/free-law-essays/tort-law/doctrine-of-a-duty-of-care.php .

³ U.S. Senate Commerce - https://www.govinfo.gov/content/pkg/CRPT-106srpt141/html/CRPT-106srpt141.htm

Dr. Patrick F. Fagan, PhD, former Deputy Assistant Secretary for Family and Community Policy at the U.S. Department of Health and Human Services, argues that, after a thorough review of nearly three decades of research, the inescapable conclusion is that "pornography significantly distorts attitudes and perceptions about the nature of sexual intercourse."

- B. clouded judgement of what constitutes sexual violence. Individuals who habitually view pornography have a higher tolerance for abnormal physicality, sexual aggression, promiscuity, and even rape. Dr. David Ludden summarized the science in his 2021 article in Psychology Today, "Plenty of studies have shown a link between porn use and sexual violence. In particular, men who act aggressively towards women are typically also heavy porn users. It's easy to imagine that watching porn could encourage men to act out their violent sexual desires." 5
- C. **misogynistic attitudes toward women.**⁶ The age at which a male first sees pornography is associated with certain sexist attitudes later in life. This was confirmed recently by a team of researchers from the University of Nebraska. Their survey revealed the younger the first viewing occurred, the more likely a male was to want power over women.⁷
- D. **body-shaming of those who don't conform to porn model body styles**. It is a truism taught by professionals who provide marriage and sexual counseling that "pornography can lead people to believe that there are only certain body types that deserve sexual attention." Research in Great Britain found that, in one in eight individuals who experience "body shame", that experience leads to suicidal thoughts. 10

Porn is an estimated \$97 billion worldwide industry.¹¹ Businesses that size promote themselves using the latest and most aggressive psycho-stimulative and subliminal advertising. All platforms, merchants and manufacturers aiding in that trade have a "duty of care," to take reasonable precautions to prevent life-altering damage to children. Idaho Families Inc. believes SB 1163 proposes the minimum Idahoans should expect from those seeking to sell porn-capable devices in this state.

⁴ Fagan, Patrick F., Ph.D., Senior Fellow and Director of the Marriage and Religion Research Institute (MARRI), as quoted in https://www.movieguide.org/news-articles/the-effects-of-pornography-on-individuals-marriage-family-and-community.html

⁵ David Ludden, Ph.D., Does Porn Use Lead to Sexual Violence? Exploring the confluence model, Psychology Today, April 16, 2021, see https://www.psychologytoday.com/us/blog/talking-apes/202104/does-porn-use-lead-sexual-violence

⁶ Diane E. H. Russell, Dangerous Relationships: Pornography, Misogyny and Rape, Sage Publications Inc., 1998.

⁷ Alyssa Bischmann, Age of First Exposure to Pornography Shapes Men's Attitudes Toward Women, August 2017, https://www.socialworktoday.com/news/dn-082317.shtml

⁸ Associations between adolescents' pornography consumption and self-objectification, body comparison, and body shame https://www.sciencedirect.com/science/article/abs/pii/S1740144521000140

⁹ Michael Salas, Body Shame and Sexual Dysfunction, Vantage Point Counseling, September 11, 2018, see https://vantagepointdallascounseling.com/sex-therapy/body-shame-and-sexual-dysfunction/

¹⁰ Mental Health Foundation of the United Kingdom - https://www.mentalhealth.org.uk/explore-mental-health/articles/body-image-report-executive-summary

¹¹ https://www.nbcnews.com/business/business-news/things-are-looking-americas-porn-industry-n289431

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